

Message Text

PAGE 01 NATO 01402 01 OF 02 202007 Z

44

ACTION EUR-25

INFO OCT-01 AF-10 IO-12 ADP-00 CIAE-00 PM-09 INR-09 L-03

NEA-10 NSAE-00 PA-03 RSC-01 PRS-01 GAC-01 USIA-12

MBFR-03 SAJ-01 DODE-00 H-02 NSC-10 SS-14 PPT-02 SCA-01

VO-03 OC-06 CCO-00 CU-04 EB-11 COME-00 CPR-02 RSR-01

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R 201740 Z MAR 73

FM USMISSION NATO

TO SECSTATE WASHDC 9432

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY TRIPOLI

USMISSION USUN NY

C O N F I D E N T I A L SECTION 1 OF 2 USNATO 1402

E. O. 11652: GDS, 12-31-79

TAGS: PFOR, NATO, CPAS, LY

SUBJECT: LIBYAN PASSPORT POLICY

1. UK REP REPORTED TO POLADS MARCH 20 THAT UK AMBASSADOR TRIPOLI CALLED ON FONMIN KIKYA, WHO MENTIONED JALLUD'S CONVERSATION WITH FRENCH AMBASSADOR. KIKYA SAID THAT HE COULD NOT HIMSELF SANCTION A LIBERALIZED PASSPORT POLICY; THIS WAS A COLLEGIAL DECISION OF RCC FOR WHICH JALLUD WOULD HAVE TO UNDERTAKE ADVOCACY. UK POLAD COMMENTED THAT KIKYA'S RATIONALE COULD JUSTIFY ANY AMOUNT OF PROCRASTINATION ON LARG'S PART.

2. FRENCH POLAD'S DESCRIPTION OF GEORGY'S CONVERSATION WITH JALLUD TRACKED ACCOUNT IN TRIPOLI 323. HE COMMENTED THAT IT WAS TOO EARLY TO DRAW CONCLUSIONS, BUT SAID NOTHING ABOUT CONFIDENTIAL

PAGE 02 NATO 01402 01 OF 02 202007 Z

COUNTERMEASURES.

3. THERE WAS FURTHER INCONCLUSIVE DISCUSSION OF COUNTER-MEASURES, BASED ON LATEST INTERNATIONAL STAFF DRAFT (KEY PARAS REPRODUCED BELOW). ONLY US AND UK REPS SPOKE TO IMPORTANCE OF AGREEING UPON AND IMPLEMENTING COUNTERMEASURES. OTHER REPS WERE WITHOUT FURTHER INSTRUCTIONS.

4. KEY PARAS OF LATEST IS DRAFT FOLLOW:

BEGIN TEXT:

6. THE NATO POLITICAL COMMITTEE HAS CONCLUDED UNANIMOUSLY THAT NO MEMBER COUNTRY SHOULD ACCEPT THE LIBYAN GOVERNMENT'S DEMANDS THAT PASSPORTS SHOULD BE WRITTEN IN ARABIC OR THAT ARABIC TRANSLATIONS OF PASSPORT PARTICULARS WHICH HAVE BEEN WRITTEN IN TO A PARTICULAR PASSPORT SHOULD BE OFFICIALLY AUTHENTICATED. (THERE CAN ON THE OTHER HAND BE NO OBJECTION TO INDIVIDUAL PASSPORT- HOLDERS THEMSELVES PREPARING AN UNOFFICIAL TRANSLATION OF THEIR OWN PASSPORT PARTICULARS, IF THIS FACILITATES ENTRY INTO LIBYA). MOREOVER, A NUMBER OF MEMBER COUNTRIES, INCLUDING CANADA, THE FEDERAL REPUBLIC OF GERMANY, GREECE, ITALY, TURKEY, THE UNITED KINGDOM AND THE UNITED STATES, HAVE SINCE 1 ST JANUARY APPLIED A DEGREE OF " GO- SLOW" IN ISSUING VISAS TO LIBYAN PASSPORT- HOLDERS EXCEPT IN URGENT HUMANITARIAN CASES. (THE EXTENT OF THE DELAY IMPOSED IN THIS WAY ON THE ISSUANCE OF VISAS TO LIBYANS HAS VARIED CONSIDERABLY).

7. THE COMMITTEE HAS CONTINUED TO DISCUSS THE POSSIBLE APPLICATION OF COUNTER- MEASURES, AS AND WHEN IT BECOME CLEAR THAT WESTERN (AND POSSIBLY OTHER) REPRESENTATIONS, COUPLED WITH THE " GO- SLOW" MEASURES APPLIED BY SOME GOVERNMENTS, HAVE NOT INDUCED THE LIBYAN AUTHORITIES TO MODIFY THEIR REQUIREMENT. NO AGREEMENT HAS SO FAR BEEN REACHED IN NATO ON POSSIBLE COUNTER- MEASURES DESIGNED TO BRING HOME TO THE LIBYAN AUTHORITIES THE FACT THAT THESE COUNTRIES CANNOT ACCEPT THE LIBYAN DEMAND, AND IF POSSIBLE TO INDUCE THE LATTER TO MODIFY OR ABOLISH IT, THOUGH A NUMBER OF MEMBER GOVERNMENTS HAVE STATED THAT THEY ARE WILLING TO CONSIDER SUCH MEASURES. IT HAS BEEN GENERALLY AGREED THAT IT WOULD BE PREFERABLE FOR NATO COUNTRIES TO CO- ORDINATE THEIR POLICIES, WHILE AVOIDING AS FAR AS POSSIBLE THE IMPRESSION
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PAGE 03 NATO 01402 01 OF 02 202007 Z

OF " GANGING- UP" ON THE LIBYANS.

IT WAS GENERALLY RECOGNIZED THAT COUNTER- MEASURES SHOULD BE CONSIDERED AS A LAST RESORT, AS THEIR APPLICATION WAS LIKELY TO RESULT IN A CONFRONTATION BETWEEN THE LIBYAN GOVERNMENT AND THOSE GOVERNMENTS WHICH APPLIED SUCH MEASURES.

8. THE EXEMPT CATEGORIES ESTABLISHED BY THE LIBYAN AUTHORITIES (LISTED IN PARAGRAPH 3 ABOVE) CLEARLY ADMIT A CONSIDERABLE

DEGREE OF LATITUDE IN INTERPRETATION. IN PRACTICE THEY ENABLE THE LIBYANS TO ADMIT THOSE FOREIGNERS WHOSE VISITS ARE DEEMED BY THEM TO BE WORTHWHILE, BUT MANY VISITORS WHO MIGHT BE THOUGHT TO FALL WITHIN THE CATEGORIES HAVE EXPERIENCED DIFFICULTY. OF PARTICULAR CONCERN FROM THE OFFICIAL POINT OF VIEW IS THE FACT THAT THE LIBYANS HAVE BEEN CONSISTENTLY REFUSING ENTRY TO DIPLOMATIC COURIERS (AS NOTED IN PARAGRAPH 5 ABOVE) AND TO NON- RESIDENT MEMBERS OF THE DIPLOMATIC CORPS WHO HAVE DUAL ACCREDITATION IN TRIPOLI. ON THE OTHER HAND, VISAS WERE ISSUED FAIRLY FREELY BY THE LIBYANS FOR VISITORS ATTENDING THE RECENT INTERNATIONAL TRADE FAIR IN TRIPOLI, NO DOUBT BECAUSE THE LIBYAN GOVERNMENT WERE ANXIOUS THAT THIS FAIR SHOULD BE SUCCESSFUL. WITH CERTAIN EXCEPTIONS, WHICH MAY BE MORE OR LESS ARBITRARILY APPLIED, IT IS NOW CLEAR THAT THE LIBYAN AUTHORITIES HAVE IMPOSED A FIRM REQUIREMENT THAT ANY PASSPORT IN WHICH A LIBYAN VISA IS TO BE INSERTED SHOULD CONTAIN THE ESSENTIAL PASSPORT PARTICULARS, AUTHENTICATED IN SOME WAY BY THE ISSUING GOVERNMENT. AS A RESULT, A CONSIDERABLE NUMBER OF NATO NATIONAL (AND NO DOUBT NATIONALS OF OTHER COUNTRIES ALSO) HAVE BEEN PHYSICALLY REFUSED ENTRY TO LIBYAN TERRITORY.

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PAGE 01 NATO 01402 02 OF 02 202011 Z

44

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C O N F I D E N T I A L SECTION 2 OF 2 USNATO 1402

9. ANY COUNTER- MEASURES TO BE APPLIED SHOULD IN GENERAL BE BASED ON THE PRINCIPLE OF CAUSING A DEGREE OF INCONVENIENCE TO LIBYAN NATIONALS, AND CONSEQUENTLY TO THE LIBYAN AUTHORITIES, PROPORTIONATE TO THAT WHICH HAS BEEN CAUSED BY THE NEW LIBYAN REGULATIONS TO NATO NATIONALS AND THE AUTHORITIES IN NATO COUNTRIES. IT IS IMPOSSIBLE HOWEVER FOR COUNTER- MEASURES TO BE BASED ON ANY STRICT PRINCIPLE OF RECIPROCITY BECAUSE:

(A) THE NUMBERS OF CATEGORIES OF LIBYAN VISITORS TO NATO COUNTRIES ARE IN MANY CASES NOT COMPARABLE TO THOSE WISHING TO TRAVEL IN THE REVERSE DIRECTION, AND

(B) PASSPORT AND IMMIGRATION LEGISLATION IN CERTAIN NATO COUNTRIES MAKE IT IMPOSSIBLE FOR REGULATIONS PRECISELY
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PAGE 02 NATO 01402 02 OF 02 202011 Z

COMPARABLE WITH THE LIBYAN REGULATIONS TO BE PUT INTO FORCE.

FOR EXAMPLE, IN THE CASE OF THE UNITED STATES, A SIGNIFICANT NUMBER OF LIBYAN STUDENTS NORMALLY TRAVEL TO THE USA FOR PERIODS OF STUDY; ON THE OTHER HAND THERE IS A CONSIDERABLE US BUSINESS AND COMMERCIAL COMMUNITY RESIDENT IN LIBYA. MOREOVER US LEGISLATION DOES NOT IN SUCH CASES PERMIT THE OUTRIGHT REFUSAL OF A VISA, THOUGH ADMINISTRATIVE DELAYS COULD BE IMPOSED TO SUCH AN EXTENT THAT THE " GO- SLOW" WOULD BE TRANSFORMED INTO VIRTUAL DENIAL OF VISAS.

10. THE UK MEMBER OF THE POLITICAL COMMITTEE HAS SUGGESTED THAT ANY COUNTER- MEASURES APPLIED IN THE CASE OF THE UK AUTHORITIES MIGHT TAKE THE FORM OF REFUSING A VISA TO AN INDIVIDUAL LIBYAN OR LIBYANS, WHEN THE LIBYAN AUTHORITIES REFUSE A VISA TO ONE OR MORE UK NATIONALS. IN GENERAL, WHERE LIBYAN ACTION WAS TAKEN AGAINST OFFICIAL OR BUSINESS VISITORS, VISAS SHOULD BE REFUSED TO A SIMILAR NUMBER OF LIBYANS IN THE SAME SORT OF CATEGORIES. (THIS WOULD NOT ALWAYS BE POSSIBLE; FOR INSTANCE, THE LIBYAN GOVERNMENT EMPLOYS FEW IF ANY DIPLOMATIC COURIERS). THE UK AUTHORITIES ALSO BELIEVE THAT IT WOULD BE PRUDENT TO AVOID COMPLETE CONSISTENCY IN THE APPLICATION OF SUCH COUNTER- MEASURES, AND TO ALLOW OCCASIONAL BREAKS IN THE PATTERN.

END TEXT
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